

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NORTHEAST  
CARPENTERS HEALTH, PENSION, ANNUITY,  
APPRENTICESHIP and LABOR MGMT.  
COOPERATION FUNDS,

Petitioners,

-against-

**ORDER ADOPTING R&R**  
19-CV-6098 (DRH)(AYS)

ADF DESIGN, INC.,

Respondent.

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Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated May 26, 2021 recommending that Petitioners' motion for summary judgment be denied because of the existence of genuine issues of material facts. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the May 26, 2021 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that Petitioners' motion for summary judgment is denied.

Dated: Central Islip, New York  
June 10, 2021

s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge